

**NORTH CAROLINA BOARD OF OCCUPATIONAL THERAPY
January 18, 2016
MINUTES**

REGULAR SESSION

Time and Place

The North Carolina Board of Occupational Therapy met in Regular Session in the offices of the Board January 18, 2016 at 9:00 a.m.

Members Present

Bill Walsh, Melanee Mills, Dr. Stephen Lang, Lynn Losada, Ron Taylor and Denise Donica.

Others Present

Charles P. Wilkins, Legal Counsel to the Board and Elizabeth Kirk, Board Administrator.

Members Absent

None

Chairperson

Mr. Walsh, Chair, called the meeting to order at 9:05 a.m.

Conflict of Interest

Mr. Walsh called for any conflicts of interest with the meeting agenda. Mr. Taylor recused himself from discussion on Robert Ward. There were no additional conflicts or potential conflicts.

Approval of Minutes

The November 16, 2015 minutes were approved as submitted.

Robert Ward hearing

The Board conducted a hearing on whether Mr. Ward had violated the Practice Act or Rules of the Board specifically NCGS 90-270.76(a)(1), NCGS 90-270.76(a)(6), Rule .0304(a)(3) or Rule .0304(a)(14) during his application process. Mr. Ward appeared and testified. He was represented

by his attorney.

To-Do List

The November 16, 2015 to do-list was approved as submitted and reviewed. Ms. Kirk reported the 2015 CCA audit was not an agenda item because all licensees complied with the audit since the November 2015 Board meeting.

Approval of Treasurer's Report

The treasurer's report for November 1, 2015 through December 31, 2015 was discussed and approved as submitted.

Administrator's Report

The administrator's report was reviewed and approved as submitted.

Legal Services Committee

Ms. Donica reported the Committee reviewed a bill from Broughton Wilkins Sugg & Thompson, PLLC for the months of November and December for ten (10) disciplinary proceedings and was of the opinion the bills were in order. The Board authorized the bills to be paid.

OLD BUSINESS

The Board reviewed correspondence and general information received following the last Board meeting.

Strategic Planning Retreat

The Board held a retreat on June 6-8, 2014 at the Rizzo Conference Center in Chapel Hill, NC. The Board reviewed the retreat to-do list developed by Board staff and agreed to continue working on the to-do list.

NC Legislature

Mr. Wilkins reported on proposed laws pending in the North Carolina General Assembly that may affect professional licensing boards.

Online Progress/Online applications/paperless feasibility

Board staff discussed various online projects including online applications, restructuring the website for use with different tablets, adding supervision information to the License Verification tab and removing all forms from the

Board's website which will require all licensees to submit information online.

FARB Regulatory Law Seminar/Forum

Board members were advised the 2016 FARB Forum is meeting in Clearwater Beach, FL on January 28-31, 2016, the Regulatory Law Seminar is meeting in Chicago, IL on September 29-October 2, 2016 and the 2017 FARB Forum is meeting in San Antonio, TX on January 26-29, 2017.

AOTA Annual Conference

Board members were advised the AOTA Annual Conference is meeting in Chicago, IL on April 7-10, 2016. Mr. Walsh agreed to attend.

CLEAR Annual Conference

Board members were advised the CLEAR Regional Symposium is meeting in Raleigh, NC on March 24, 2016, the CLEAR 2017 International Congress is meeting in Melbourne, Australia and the CLEAR Annual Conference is meeting in Portland, OR on September 15-17, 2016.

NBCOT

a. Provider's Request for Pre-Approval of CCA

The Board reviewed NBCOT's request for pre-approval of its continuing competence activity. Shaun Conway, Senior Director for Credentialing Services, presented the NBCOT Navigator and responded to questions about NBCOT's request for CCA pre-approval. Mr. Conway agreed to submit more information for the request for CCA pre-approval. The topic was continued to the March 2016 Board meeting.

b. Contact for seminar in January

Shaun Conway, Senior Director for Credentialing Services, discussed several topics such as information on website, continuing competence activities, complaints and social media.

c. OT Regulator E-Newsletter Fall 2015

The Board reviewed the Fall 2015 E-Newsletter contained in an email dated November 23, 2015.

Question regarding home health aide visit

The Board reviewed an email dated November 16, 2015 from Charles Wilkins to Beth Parker in response to her questions regarding her employer having an OT perform home health aide services.

HB74 – Rules Review Commission Periodic Review of Rules

The Board reviewed the email dated November 17, 2015 from Elizabeth Kirk, Board Administrator, to the Rules Review Commission providing the Commission with the Board's decision to classify all 52 rules of the Board as necessary without substantive public interest.

Discuss meeting date for November Board meeting

The Board discussed the November meeting date since it is the week of Thanksgiving. The Board agreed to change the November Board meeting date from November 21, 2016 to November 14, 2016. Board staff agreed to notify Spectrum Properties, the Secretary of State's office and IT services to change the date on the Board's website.

NEW BUSINESS

NCSL Telehealth Position Paper

The Board reviewed an email dated December 15, 2015 from NBCOT and an email dated December 10, 2015 from AOTA regarding the position paper on telehealth from the National Conference of State Legislatures' Capital Forum.

December 2015 ACOTE Actions

The Board reviewed an email dated January 6, 2016 regarding the final accreditations taken at the December 2015 meeting of the AOTA Accreditation Council for Occupational Therapy Education (ACOTE).

Email from Paula Pitman regarding ID badges

The Board reviewed an email dated December 3, 2015 from Paula Pitman at Carolinas Healthcare requesting a collective request for first name/title only on their name badge. Upon motion made, seconded and passed, the Board agreed Rule .0301(c) did not permit the Board to grant a collective request for licensees to use their first name/title only on their name badge. Each individual licensee will have to make their own request for that authority.

Email from Nancy Murphy regarding email addresses on mailing list

The Board reviewed an email dated December 21, 2015 from Nancy Murphy, co-chair for the NCOTA Continuing Education Committee, requesting email addresses to be included on the mailing list. Upon motion made, seconded and passed, the Board agreed to maintain its policy not to include email

addresses on the Board's mailing list.

Email from Wayne Townsend regarding employment information on mailing list

The Board reviewed an email dated December 16, 2015 from Wayne Townsend, Administrator at NCOTA, requesting employer information and a complete profile of the database. Upon motion made, seconded and passed, the Board agreed to provide Mr. Townsend with the name and addresses of employers of occupational therapy practitioners but not to provide a complete licensee profile of the information in the database.

Closed Session

Upon motion duly made, seconded and passed, and pursuant to NCGS 143-318.11(a)(1) and (6) as well as NCGS 143-318.18(6), the Board went into Closed Session at 2:35 p.m.

Closed Session Report

Mr. Wilkins reported the Board was advised in Closed Session that he is investigating four pending complaints and two new complaints.

Robert Ward

The Board reported it had reviewed the evidence presented in Mr. Ward's hearing. The evidence presented showed Mr. Ward had violated the Practice Act or Rules of the Board by practicing occupational therapy in North Carolina without a current license. The Board entered an Order that Mr. Ward: (1) be issued a license to practice occupational therapy as an occupational therapy assistant; (2) be placed on probation for three years; (3) complete fifteen continuing competence activity points for his first renewal; (4) complete a one-year mentorship agreement approved by the Board; (5) be "closely" supervised by an occupational therapist; (6) pay a civil penalty of \$500; and (7) pay disciplinary costs of \$500. Mr. Ward's occupational therapy assistant license will be issued immediately but his license will not be effective until he obtains a mentor as required by (4) above, obtains an occupational therapist to provide "close" supervision to him as required by (5) above, and pays the civil penalty and costs as required by (6) and (7) above.

Adjournment

The Open Session adjourned at 5:00 p.m.

Next Meeting

The next Regular Session meeting will be held at the office of the Board on March 21, 2016 at 9:00 a.m.

Bill Walsh, Chair

Denise Donica, Secretary/Treasurer